

## COMPLIANCE MONITORING

### Juvenile Justice and Delinquency Prevention Act (JJDP Act)

Originally passed in 1974 and reauthorized in 2002, the goals of the JJDP Act are to help state and local governments prevent and control juvenile delinquency, to improve the juvenile justice system and to protect juveniles in the juvenile justice system from inappropriate placements and from physical and psychological harm.

Each participating state must develop and implement a strategy for achieving and maintaining compliance with the four core protections as part of its annual Formula Grants State Plan. Failure to achieve or maintain compliance reduces the Formula Grant to the state by 20 percent for each core requirement not met and the state must agree to expend 50 percent of the state's allocation for that year to achieve compliance with the core requirement(s) with which it is not in compliance.

### Frequently Asked Questions

#### Q: How is secure detention/custody defined under the JJDP Act?

A: A facility having features designed to physically restrict the movements and activities of persons in custody (e.g. locked rooms, cells or stationary hardware and buildings, fences or other physical structures). Secure detention results from being placed in a locked room, being physically secured to a stationary object or being placed in a cell.

### Four Core Protections of JJDP Act:

#### 1. Deinstitutionalization of Status Offenders (DSO)

Juveniles who have committed crimes that would not be crimes if committed by an adult may not be held securely in any adult facility for any reason or length of time.

#### 2. Removal of Juveniles from Adult Jails & Lockups (Jail Removal)

No juvenile shall be detained or confined in any jail or lockup for adults. The exception is accused or adjudicated delinquent offenders may be held securely in an adult jail or lockup for up to six hours prior to court, for up to six hours after court, and for up to six hours for processing, identification, interviewing, and releasing to parents/guardians or transfer to a juvenile facility.

Continued



# Fact Sheet

Larry Hogan  
Governor

Boyd K. Rutherford  
Lieutenant Governor

Christopher B. Shank  
Executive Director

## Frequently Asked Questions (Cont'd)

**Q: When does secure detention/custody end?**

A: When a juvenile offender is permanently removed from a secure area of the facility and placed in a non-secure area of the facility or is permanently removed from the facility. Secure detention starts as soon as the juvenile is placed in a cell, secured to a stationary object or placed in a room in which they cannot get out of their own. Once a juvenile has been placed in a secure detention status and the 6-hour period has begun, the facility cannot temporarily take the juvenile out of a secure detention status and begin the 6-hour time period again.

**Q: Does a victim or a witness fall under the purview of the JJDP Act?**

A: No. A juvenile who enters a law enforcement facility under his/her own volition, who is free to leave and is not under law enforcement custody, regardless of where the interview takes place or how long the interview lasts, would NOT fall under the purview of the Act.

**Q: Does data on adult arrestees/offenders who are held or detained within a law enforcement facility need to be reviewed during an on-site visit?**

A: Yes, this data is necessary to verify compliance with the separation core protection as well as to ensure that all juvenile data is being accurately reported.

**Q: Do the core protections of the Act apply to a juvenile who has been waived, transferred to criminal court or automatically excluded from juvenile court?**

A: No, juveniles automatically excluded from juvenile court jurisdiction per Courts & Judicial Proceedings Article § 3-8A-03 or §3-804 or juveniles waived to criminal court on felony charges do NOT fall under the purview of the JJDP.

## Four Core Protections of JJDP (Cont'd):

### 3. Separation of Juveniles from Adults in Institutions (Separation)

Juvenile offenders will not be detained or confined in any institution in which they have sight or sound contact with adult inmates

### 4. Reduction of Disproportionate Minority Contact (DMC)

This core protection seeks to address the disproportionate numbers of minority youth who come into contact the justice system at any point. For more information on DMC Initiatives in Maryland, please contact Shanelle Johnson, DMC Statewide Coordinator 410-821-2863 or [sjohnson@goccp.state.md.us](mailto:sjohnson@goccp.state.md.us)

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